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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.204 OF 2007

Shailesh Hasmukhlal Mistry ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Naveen Chomal for the petitioner.

Ms. A.S. Pai, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 22ND FEBRUARY, 2007.

P.C.:-

1. Heard Mr. Chomal, the learned counsel for the petitioner. In this petition, the petitioner has prayed for extension of parole by three weeks. Mr. Chomal contended that the petitioner has lost his son and the petitioner's wife is admitted in the hospital and, therefore, parole may be extended.

2. Ms. Pai, the learned A.P.P. pointed out that for extension of parole, the petitioner will have to make an application to the State Government. He is convicted by a court in the State of Gujarat. In support of her submission, the learned A.P.P. relied on Rule 18 of Chapter XXXVII of the Prison Manual, 1979. The learned A.P.P. points out that the petitioner has already overstayed by about a month.

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3. In the circumstances, Mr. Chomal states that he may be permitted to withdraw the petition with liberty to file an application for parole before the State Government. The petition is allowed to be withdrawn. If any application is made, the State Government shall consider it expeditiously. The petitioner shall immediately surrender to the prison. The petition is disposed of as withdrawn.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]